

However, had I been present, I would have opposed this nominee, as I did when his nomination was considered by the Committee on Indian Affairs, on which I serve. I would like to take a few moments to explain why I do not support this nomination.

Ordinarily, I believe the President has the right to choose who will serve in his administration. The position of Special Trustee for American Indians is unique, however. Congress created the position of Special Trustee in 1994 in large part because of the historical failure of the Department of the Interior to live up to the Federal Government's trust responsibility to Native Americans. The Special Trustee was and is intended to be an advocate on behalf of tribes and individual Native Americans to ensure that those trust duties are met. In my view, Native Americans deserve someone in this position in whom they can have confidence. Regrettably, Mr. Swimmer is not that person.

Many tribal leaders from my State have shared with me their very deep concern that Mr. Swimmer would not be an independent voice and advocate on behalf of Native Americans within the Department of the Interior. In fact, under previous administrations and in recent months, he has been an integral part of the Department of the Interior team that has sought to implement trust management reforms without the full support of and consultation with the Native Americans whose assets they manage. To many of my Native American constituents, this is akin to allowing the fox to guard the henhouse.

Nevertheless, Mr. Swimmer has now been confirmed by a majority of the Senate to serve as Special Trustee for American Indians, and I wish him success in that position. He has made a commitment to me and others to consult with tribes in a timely and meaningful way, and I will certainly be working with Mr. Swimmer to ensure that is the case.

WAR CRIMINALS

Mr. KYL. Madam President, I rise in support of the goal of this nonbinding resolution, which is to promote bringing Saddam Hussein and his war criminals to justice.

In reading the language of the resolution, I note that it does not preclude the United States itself from detaining or from prosecuting Iraq war offenders of any nationality before a United States military tribunal or some other American-arranged forum.

It also does not preclude a new Iraqi government from prosecuting these criminals in an Iraqi tribunal if it is deemed that this is feasible and likely to result in substantial justice. The resolution also does not in any way mandate constitution of an international tribunal, something which the United States should oppose, as it would preclude the death penalty.

With this understanding, I support the resolution.

TRIBUTE TO MAJOR GENERAL A. BOWEN BALLARD

Mr. SESSIONS. Madam President, I take this opportunity to recognize the retirement of a friend and outstanding Air Force Officer, Major General A. Bowen Ballard. Major General Ballard's superior and exceptionally distinguished Air Force career warrants comment as the Air Force says thank you and goodbye to one of its best.

Major General Ballard has served this Nation and the United States Air Force for more than 37 years. His service has been marked by increasingly demanding command and staff positions, culminating as the Mobilization Assistant to the Commander, Air University, Maxwell AFB, AL.

Throughout his military service, Major General Ballard has served with distinction and honor. It is my privilege to recognize his many significant contributions and to commend him for his outstanding service. A son of Alabama, Major General Ballard grew up in Montgomery and attended elementary and junior high school in Cloverdale. After graduating from Lannier High School, he enlisted in the Alabama Air National Guard as an intelligence specialist, while at the same time he attended the University of Alabama earning a degree in business and finance.

In 1966, he was commissioned and resumed his service in Air Force Intelligence. Major General Ballard attended the Air Intelligence School at Lowry Air Force Base, CO, and from 1967 until 1974, he filled various intelligence positions with the 187th Tactical Reconnaissance Group, Alabama Air National Guard.

Leaving the Alabama Air National Guard and joining the Air Force Reserve in 1974, Major General Ballard was assigned to the Air Force Intelligence Service at Fort Belvoir, VA, where he played a key role in transitioning Air Force Special Operation Forces from the Tactical Air Command to the Military Airlift Command and participated with Air Force Special Operation Forces on an international basis. Major General Ballard was involved with the North Atlantic Treaty Organization and the United States European Command for many years.

During his assignment as the Mobilization Assistant to the Chief of Staff, Intelligence, Headquarters United States Air Force, Major General Ballard was recalled to active duty in a key position of leadership to manage the planning, directing, and establishing of policies and procedures for all USAF intelligence activities.

As the Mobilization Assistant to the Director of the National Security Agency/Chief, Central Security Services, Fort George G. Meade, MD, Major General Ballard's guidance and direction was critical in identifying and resolving critical issues affecting the Air Force during one of the most turbulent and demanding times in our history.

Major General Ballard frequently met with the senior military leadership, to include the Secretary of Defense, Secretary of the Air Force, the Chief of Staff of the Air Force, and members of the Senate and Congress, effectively presenting crucial positions involving specific operational intelligence and professional military education issues. He achieved unparalleled success in charting the strategic direction and employment concepts as the Chairman of the Assistant Secretary of Defense's Command, Control, Communication and Intelligence Steering Council. Major General Ballard represented commanders of the Air University and Air Force Space Command on numerous panels, boards, and work groups, including personally leading the development of creative and innovative improvements to the Joint Reserve Intelligence Program. Major General Ballard was directly responsible for identifying, developing and implementing a significantly new direction for Reserve Intelligence roles and missions in space operations. Under his untiring leadership, the Air Force Space Command Reserve Intelligence Program transformed into a vital partner in on-orbit space collection intelligence assessments.

As the Mobilization Assistant to the Commander, Air University, he assisted the commander with significant improvements to Air University schools in curricula and coursework, joint programs, faculty management, computer technology, and communications systems. As a result of his efforts, all graduates of Air Command and Staff College and Air War College now receive masters degrees in military science. Major General Ballard's leadership skills were constantly in high demand. For the Joint Chiefs, he developed the Joint Chiefs of Staff/Department of Defense Strategic Plan, providing unprecedented joint contingency support to operations in both Operation Noble Anvil and Operation Allied Force. For the combatant commanders, he applied his focus on language and distributed joint reserve component intelligence operations and implemented a flexible solution which paid significant dividends in the military theater of operations and in the global war on terrorism. Major General Ballard also established the foundation for joint cryptology reserve component support to the European and Pacific Command. The formulation and justification of cryptologic reserve support elements blossomed into greatly improved reserve component support in intelligence operations ensuring a significant reserve augmentation force well into the 21st century. Major General Ballard has demonstrated time and time again superior performance, planning, coordinating, directing, and managing of Air Force operational intelligence programs, and Air Force Reserve intelligence mission augmentation activities. Major General Ballard's